DEWAN'S REPLY: Mr. Kesava Pillai, the question of a Munsiff's court in the Pattanamtitta taluk will be taken up in connection with the general redistribution of the jurisdiction of courts throughout the State which matter is engaging the attention of the High Court.

30. Defects in the working of the Judicial Department.

MR. NARAYANAN KOCHUPILLAI KAIMAL (*Member, Shertallai taluk, Group II*) made the following suggestions for improving the working of the Judicial Department :—

(i) There was delay in the disposal of cases in civil courts mainly for two reasons: (*a*) the jurisdiction of courts extended over very wide areas; (*b*) the parties themselves were sometimes responsible for the delay. At times they applied for five to six adjournments before they even filed the written statement. The delays could be saved by two means. More courts should be opened wherever necessary. Suits should be classified and legal provisions should be made fixing a definite time for disposal of each class of suits. No case should be allowed to be kept pending for more than two years. It was worthy of mention that a similar provision of law existed in the neighbouring State of Cochin. There were also one or two other remedies that could be adopted. Issues should be framed only after hearing both parties. The rule on this point was not being strictly observed at the present time. Cases in the evidence stage should be adjourned for long intervals and should be posted in small numbers. The intervals should be long enough to issue one or two processes to parties and witnesses. Such witnesses as were present in accordance with the summons should be examined continuously.

(ii) No person should be allowed to be impleaded in a suit after judgment was delivered and decree executed, on the ground that he had no notice of the original suit. Processes when served three times should be conclusively taken as due notice.

(iii) Affidavits should be demanded only where they were absolutely necessary. They should not be demanded for such simple purposes as applications for adjournment.

(iv) Stringent instructions should be issued for sending encumbrance certificates from civil courts to the registry offices, as soon as the decrees were prepared. There was no use otherwise of the registration fees paid at the time of filing a suit.

(v) Processes were now being served in an irresponsible manner. The result was unnecessary expense for parties and protraction of trials. The rule that every peon should serve at least 75 per cent of the processes correctly had become a dead letter. Promotions should be given to process-servers only according to efficiency. They should be made to feel the gravity of the work they undertook.

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(vi) Witnesses should be examined continuously. It was better to finish five cases soon than to attempt to hear fifty cases soon and finish none. It would also help the court understanding and disposing of suits quickly.

(vii) Judgments should be delivered as soon as possible after the cases were heard.

(viii) Stamp paper should not be insisted on for copies of documents filed in suits.

(ix) Copies of documents should be issued soon.

(x) Rules regarding appointment of guardians for suits against minors should be suitably notified so as to remove the inconvenience caused to parties at present.

(xi) *Kaichittus* produced by Amins in evidence of delivery of possession of immovable property in execution of decrees should be preserved in the same way as registered documents.

31. Administration of the Judicial Department.

MR. A. R. RAMAN PILLAI (*Member, Parur taluk*) said that he regretted very much to observe that the condition of the Judicial Department today was far from satisfactory. This was mainly due to the fault of the officers of the department. They looked upon the public as their dependants or servants. Some of them went to the extent of ill-treating parties who wore neat dress in court. Nor was any proper enquiry held into the conduct of these officers when an accusation was brought against them.

Committees should be appointed in each locality, for the purpose of enquiring into the conduct of officers and each such committee should consist of the officer next superior to the man against whom the complaint was made, the S. M. P. A. member of the taluk and also the local member of the Legislative Council. The committee should enquire into the conduct of the officer and submit its report to the High Court or the Government who should pass final orders on the report. The Judges of the High Court should of course be exempted from such enquiries.

The Nayar Regulation provided for the appointment of assessors; nobody knew on what basis these assessors were being nominated by Government or how long they were to remain in office. They should, in the first place, be men of standing. Secondly they should be elected by the people themselves. Every Nayar who paid a land-tax to Government should be eligible to vote at the elections. Four assessors should be elected from each Kara. They should hold office for not more than four years.

All officers of the Judicial Department should be transferred once in three years. The period might even be reduced to two years. In regard to transfer of superior officers, Government were already devoting some attention; but not about ministerial officers. One of the Judges of the High Court should be deputed to look into the question and to see that all officers who had served for more than three years in the same

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